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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,941	01/13/2004	Chiu K. Li	UTL 00354	3298

7590 10/13/2005  
Kyocera Wireless Corp.  
P. O. Box 928289  
San Diego, CA 92129-8289

EXAMINER
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RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/756,941	LI, CHIU K.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Melur Ramakrishnaiah	2643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2-17-2004</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-2, 4-6, 8, 10-12, are rejected under 35 U.S.C 102(a) as being anticipated by Oda (JP2003-032343).

Regarding claim 1, Oda discloses a communication device comprising: housing (1, Drawing: 4) including a front surface, a first side surface, and a second side surface, the second side surface being situated to opposite the first side surface (see Drawing: 4), an antenna situated proximate the first side surface, a speaker (3a, Drawing: 4) situated proximate the second side surface, and a microphone (7a, Drawing: 4) situated proximate the second side surface (paragraph: 0021, and see abstract).

Regarding claim 8, Oda discloses a communication device comprising: a housing including a front surface, a first side surface, and a second side surface, the second side surface being situated opposite the first side surface, an antenna situated proximate the first side surface, a speaker (3a, Drawing: 4) opening defined proximate the second side surface, a microphone (7a, Drawing: 4) situated proximate the second side surface, a speaker (3a, Drawing: 4) situated within the housing to transmit acoustic signals via the speaker opening, and a microphone (7a, Drawing: 4) situated within the housing to receive acoustic signals via the microphone opening (paragraph: 0021, and see abstract).

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Regarding claims 2, 4-6, 10-12, Oda further teaches the following: first and second openings are defined proximate the second side surface, the speaker (3a, Drawing: 4) situated within the housing to transmit acoustic signals via the first opening, the microphone (7a, Drawing: 4) situated within the housing to receive signals via the second opening, a first dimension defines a width of the front surface and second defines a width of the second side surface, the second dimension being less than the first dimension, keypad (6, Drawing: 4) situated on the front surface, display device (2, Drawing: 4) situated on the front surface (Drawing: 4, (paragraph: 0021, and see abstract).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 9, 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odo in view of Toyoda et al. (US2002/0160725A1, hereinafter Toyoda).

Odo differs from claims 3, 9, 16 in that he does not explicitly teach the following: circuit board situated within the housing, the printed circuit board substantially coplanar with the front surface.

However, Toyoda discloses portable telephone which teaches the following: circuit board (3, fig. 1) situated within the housing, the printed circuit board substantially coplanar with the front surface (fig. 1, paragraph: 0049).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Odo's system to provide for the following: circuit board situated within the housing, the printed circuit board substantially coplanar with the front surface as this arrangement would provide means to accommodate necessary circuitry for portable telephone as shown by Toyoda, thus providing a compact way to accommodate all circuit components for a portable telephone.

Odo differs from claim 14 in that he does not explicitly teach the following: a transceiver coupled to the antenna and disposed within the housing, the transceiver configured to transmit and receive RF signal, a mobile power source coupled to the transceiver for supplying power to the transceiver.

However, Toyoda teaches the following: : a transceiver coupled to the antenna and disposed within the housing, the transceiver configured to transmit and receive RF signal, a mobile power source coupled to the transceiver for supplying power to the transceiver (fig. 3, paragraphs: 0076-0080).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Odo's system to provide for the following: a transceiver coupled to the antenna and disposed within the housing, the transceiver configured to transmit and receive RF signal, a mobile power source coupled to the transceiver for supplying power to the transceiver as this arrangement would provide necessary

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paraphernalia for the portable telephone to carry out communications as shown by Toyoda, thus facilitating voice communication between communication partners.

Regarding claims 15, 17-19, Odo teaches the following: first and second openings are defined proximate the second side surface, the speaker (3a, Drawing: 4) situated within the housing to transmit acoustic signals via the first opening, the microphone (7a, Drawing: 4) situated within the housing to receive signals via the second opening, a first dimension defines a width of the front surface and second defines a width of the second side surface, the second dimension being less than the first dimension, keypad (6, Drawing: 4) situated on the front surface, display device (2, Drawing: 4) situated on the front surface (Drawing: 4, (paragraph: 0021, and see abstract).

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Odo in view of Toyoda as applied to claim 14 above, and further in view of Ohnsorge (US PAT: 5,485,504).

Regarding claim 20, the combination does not teach the following: second side surface is concave to generally follow a contour of user's head.

However, Ohnsorge discloses hand-held radio telephone which teaches the following: radio telephone surface that is concave and generally follow a contour of user's head (fig. 2, col. 2 lines 7-11).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: second side surface is concave to generally follow a contour of user's head as this arrangement

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would provide necessary shape to ensure good intelligibility of telephone communications as taught by Ohnsorge.

6. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odo in view of Ohnsorge.

Odo differs from claims 7 and 13 in that he does not teach the following: second side surface is concave to generally follow a contour of user's head.

However, Ohnsorge discloses hand-held radio telephone which teaches the following: radio telephone surface that is concave and generally follow a contour of user's head (fig. 2, col. 2 lines 7-11).


Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Odo's system to provide for the following: second side surface is concave to generally follow a contour of user's head as this arrangement would provide necessary shape to ensure good intelligibility of telephone communications as taught by Ohnsorge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Melur Ramakrishnaiah  
Primary Examiner  
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